

The background of the cover features a large, faint, circular seal. The seal contains a central shield with a sunburst at the top, a central emblem, and a banner at the bottom. The shield is flanked by two figures, possibly Native Americans, and the entire design is enclosed within a circular border.

# ANNUAL REPORT

**2006-2007**

Tennessee Commission of Indian Affairs

*[www.state.tn.us/environment/tcia/](http://www.state.tn.us/environment/tcia/)*

# **Tennessee Commission of Indian Affairs**

## **ANNUAL REPORT: FISCAL YEAR 2006-2007**

### **INTRODUCTION**

The seven-member Tennessee Commission of Indian Affairs was created in 2003 by passage of TCA 4.34.101-108 [Acts 2003, chapter 344, § 2], and is commissioned to:

1. Deal fairly and effectively with Indian Affairs;
2. Research and find local, state and federal resources of funding and other assistance for the implementation or continuation of meaningful programs for Indian citizens of the State;
3. Provide aid and protection for Indians as needs are demonstrated;
4. Prevent undue hardships;
5. Assist Indian communities in economic development;
6. Promote recognition of, and the right of Indians to pursue cultural and religious traditions considered by them to be sacred and meaningful to Native Americans; and
7. Communicate with Tennessee's Indian communities, and solicit communications from such Indian communities.

Commissioners are appointed by the Governor, Speaker of the House and Speaker of the Senate who select from a slate of nominees elected through a democratic process managed by the Tennessee Native American Convention (TNNAC; TCA 4.34.104).

Preference in the appointment process based on Native American Indian affiliation is to be given five commissioners. The commissioners represent three grand divisions (West, Middle and East) and four major metropolitan caucus areas (Memphis, Nashville, Knoxville and Chattanooga). Commissioners serve four-year terms.

Appointments are staggered between metro caucus areas and grand divisions to ensure smooth transition and continuous workflow between elections/appointments.

The Commission is attached to the state Department of Environment and Conservation (TDEC) for administrative purposes only and is not included in appropriations from the General Fund. Per TCA 4.34.105, meetings are held quarterly on Saturdays and rotate locations between four major metropolitan locations: Memphis, Nashville, Knoxville and Chattanooga. Additional meetings are called as needed for time-sensitive tasks, to seek community input, or to hold public rulemaking hearings when required.

## **ACTIONS AND INITIATIVES OF THE COMMISSION**

Four regular quarterly meetings were held during Fiscal Year 2006-2007, in Knoxville (August 2006), Memphis (December 2006), Nashville (March 2007), and Chattanooga (June 2007), as well as one public rulemaking hearing in Nashville (October 2006).

## **ACKNOWLEDGEMENT OF TENNESSEE'S HISTORIC TRIBES**

The Commission adopted the amended Historic Tribes Resolution (*Appendix A – Resolutions & Other Documents*) on 5 August 2006. The resolution identifies and acknowledges those American Indian nations that called the land within the boundaries of the State of Tennessee 'home'. The resolution is a critical first step in identifying groups that may be eligible to claim tribal status as indigenous remnant populations as well as those federally recognized nations that are most likely related to any unidentified or unclaimed remains. The resolution was researched and drafted with the assistance of the Advisory Council on Tennessee Indian Affairs (ACTIA). In June 2007, the Commission voted to seek sponsorship for taking the resolution to legislation.

## RECOGNITION OF NATIVE AMERICAN INDIANS

The Commission continued its work to develop criteria that would establish credible recognition for American Indians living in Tennessee who are indigenous to Tennessee and not eligible for citizenship in those federally recognized nations that were removed from Tennessee. The Tribal, Organizational and Individual Recognition Criteria Rules passed on 10 June 2006 (FY 2005-2006) were withdrawn at the August 2006 meeting, as being too problematic, and replaced by adoption of Tribal (only) Recognition Criteria submitted by ACTIA.

The Commission submitted a request for an official opinion from the Attorney General on the status of individuals and organizations previously recognized under the recognition criteria established in the rules of the previous Commission (Chapter 0785-1, 1990). The Attorney General's opinion 06-165 was received on 17 October 2006.

A public rulemaking hearing on the Tribal Recognition Criteria was held in Nashville on 21 October 2006 (*Appendix B: Response to Public Comments*). The Recognition Criteria for Native American Indian Nations, Tribes or Communities (Rule 0785-01) was formally adopted by the Commission on 17 March 2007. A draft Recognition Criteria Application Form was adopted on 9 June 2007. Rule 0785-01: Recognition Criteria for Native American Indian Nations, Tribes or Communities took effect on 24 June 2007.

## COMMUNITY ASSESSMENT

On 17 March 2007, the Commission approved the **TENNESSEE AMERICAN INDIAN RESEARCH INITIATIVE/HEALTH AND EDUCATION COMMUNITY ASSESSMENT**, a proposal to conduct a statewide quantitative study of Tennessee's American Indian/Alaska Native residents. The goal of the initiative is to make demographic and socio-economic characteristics available to the public and other agencies, such as the State Data Center and the *Healthy People 2010* initiative of the U.S. Department of Health and Human Services. At the time, Census 2000 data reported approximately 45,000 individuals living in Tennessee who self-identified as American Indians. *Healthy 2010* only reports on three of 467 health indicators for Tennessee's American Indian/Alaska Native population. Through this project, the members of the **AMERICAN INDIAN RESEARCH INITIATIVE** – a grassroots committee of volunteers advocating the assessment, will take on the task of analyzing the existing data and reporting back to the Commission.

## **OTHER ACTIONS AND INITIATIVES**

The Commission recognized the need to reinter the remains of over 11,000 Native American Indians currently in 'storage' facilities across the state, and to support two specific community-based initiatives: the Native American Indian Association of Tennessee's (NAIA-TN) *Circle of Life* American Indian center building project, and the creation of an annual 'Day of Healing' to be celebrated on Columbus Day each year.

- **ACKNOWLEDGEMENT OF 11,151 UNRETURNED REMAINS, March 2007**

The Commission acknowledged the existence of 11,151 unreturned Native remains currently held in storage around Tennessee per the National Park Service's Native American Grave Protection and Repatriation Act (NAGPRA) inventory. The remains and the ongoing threat of destruction of burial, sacred and historic sites continue to be a major concern of many members of Tennessee's American Indian/Alaska Native community

- **DAY OF HEALING FOR NATIVE AMERICAN INDIANS IN TENNESSEE, March 2007**

The Day of Healing, on the same day as Columbus Day for the rest of the USA, is a grassroots proposal designed to encourage community-wide healing from the damage done to the indigenous nations of Turtle Island/North America from that day on. The first Day of Healing was set for Columbus Day 2007.

- **CIRCLE OF LIFE CENTER, June 2007**

The Native American Indian Association of Tennessee (NAIA-TN) has been working for several years to raise capital funds needed to build a new community facility in the Nashville area. The organization has been able to raise approximately one-third of the total needed to go forward with the project. The center would include office, meeting and educational work spaces as well as cultural grounds for outdoor activities, events and ceremony.

- **GOVERNOR'S INTERSTATE INDIAN COUNCIL, August 2006**

The Commission approved joining the Governor's Interstate Indian Council – a professional association of state Indian Affairs Commissions, and the payment of its annual \$100 membership fee.

## LEGISLATIVE REVIEW

On 17 March 2007 the Commission reviewed six items of legislation that directly or indirectly impacted Native American Indians living in Tennessee.

- SB0162/HB0133 (Bunch,Bell; Matlock, Hill) *AN ACT TO AMEND TCA TITLE 1, CHAPTER 4 AND TITLE 49, RELATIVE TO USE OF AMERICAN INDIAN SYMBOLS, IMAGES AND NAMES.*

Commission position: Opposed

Outcome: Bill was amended to strike references to “American Indian,” and was passed to become Public Chapter 371.

As originally written, SB0162/HB0133 sought to prevent state entities including the Commission of Indian Affairs from enacting any prohibitions specifically against the use of American Indian symbols, images or names as logos or mascots by public or private institutions. The bill was introduced in response to requests from public school officials and community members who were fearful after reading a newspaper story that erroneously reported the Commission planned to introduce legislation banning the use of American Indian school mascots and names. The story was written after members of the Native American community met with the Human Rights Commission to request HRC’s assistance in opening a dialogue with the state about the detrimental effects of American Indian mascots. While the bill was ultimately amended to strike specific reference to American Indians, the use of mascots and Public Chapter 371 continue to cause undue hardship and harm to American Indian/Alaska Native residents of the State. The Commission maintains its position on the use of American Indian symbols, images and names expressed in its *Resolution for the Discontinuation of Native American Mascots in the State of Tennessee* adopted 3 December 2005.

- SJR0002 (Jackson) *URGES THE TENNESSEE COMMISSION OF INDIAN AFFAIRS AND THE U.S. BUREAU OF INDIAN AFFAIRS TO RECOGNIZE THE CHEROKEE WOLF CLAN AS NATIVE AMERICAN INDIANS. .*

Commission position: Opposed

Outcome: The memorial was withdrawn by the sponsor.

- SB1307/HB570 (Watson, Crutchfield, Burks, Bunch, Tate; McCormick, West) *AN ACT TO AMEND TCA TITLE 55, CHAPTER 4, TO AUTHORIZE THE ISSUANCE OF NATIVE AMERICAN LICENSE PLATES.*

Commission position: not applicable at time of review

Outcome: Bill was amended to *For a Lifetime*, a new specialty earmarked license plates for elderly, prior to review by the Commission.

SB1307/HB570 was introduced by a newly formed private organization, Native American Services of Tennessee (NAST) at the 17 March 2007, Commission meeting. While the Commission and members of the community supported the intentions of NAST, opposition and concerns regarding the name of the license plate (the Native American cultural license plate), the lack of opportunity for input or participation in the management of funds generated by sale of the plate, and the heretofore unknown nature of NAST, were strongly voiced.

- SB1371/HB1303 - Haynes, Marrero; West *AN ACT TO AMEND TCA TITLE 48, CHAPTER 101, PART 5, RELATIVE TO SOLICITATION OF CHARITABLE FUNDS.*

Commission position: The Commission tabled action on this item at the request of the Native American Indian Association of Tennessee who reported they were still working with sponsors on modifications to the bill.

Outcome: The bill passed without amendments or modifications to become Public Chapter 474

SB1371/HB1303 was written at the behest of the Native American Indian Association of Tennessee (NAIA-TN). The Commission and community members were concerned with the definition of a bona fide Indian organization established in the wording of the bill. Those concerns were communicated to NAIA-TN representatives present at the 17 March 2007, meeting who had come before the Commission to request its review be tabled. The bill's purpose is to exempt Indian organizations that meet the definition outlined in the legislation from a \$50 charitable organization registration/renewal fee. As passed, only those organizations who serve federally-recognized Indians and that are twenty years or more old are eligible for the exemption.

## LEGISLATIVE REVIEW *CONTINUED*

- SB1681 (Herron, Jackson) *AN ACT TO AMEND TCA TITLE 4, CHAPTER 34, RELATIVE TO RECOGNITION OF AMERICAN INDIAN TRIBES.*

Commission position: Opposed

Outcome: Failed to obtain House sponsor and died in Senate committee

SB1681 was introduced at the request of members of the Cherokee Wolf Clan Universal Life Church (CWC-ULC), a non-profit organization based in Yuma TN. The bill removed recognition authority from the Commission of Indian Affairs, authorized the Commissioner of the Tennessee Department of Environment and Conservation (TDEC) to make all recognition determinations and issue tribal identification cards, and gave recognition to the CWC-ULC without requiring documentation of organizational history or members' tribal heritage, or the demonstration of government-to-government relationships normally required as proof of status and existence as a tribe. The Commission of Indian Affairs supports meaningful recognition of American Indian tribes, nations or communities who meet criteria set forth in Rule 0785-01: Recognition Criteria for Native American Nations, Tribes or Communities, and found SB1681 lacking any meaningful criteria and in direct conflict with the Commission's statutory objectives defined in TCA 4.34.101-108.

- SB2121/HB2019 (Harper; Kernell) *AN ACT TO AMEND TCA TITLE 4, CHAPTER 34, RELATIVE TO THE COMMISSION OF INDIAN AFFAIRS.*

Commission position: Supported

Outcome: Bill was amended by changing extension date from 30 June 2011 to 30 June 2008. Passed to become Public Chapter 516.

SB2121/HB2019 was introduced to extend the life of the Commission of Indian Affairs which was scheduled to sunset in June 2007.



## COMMENDATIONS OF COMMUNITY MEMBERS, ORGANIZATIONS AND INITIATIVES

From time to time the Commission formally commends individuals, organizations and/or grassroots initiatives for their contributions to Tennessee's American Indian/Alaska Native community. The following commendations were made during FY 2006-2007:

- **TENNESSEE ANCIENT SITES CONSERVANCY**, August 2006 - for its significant contributions to the protection and preservation of Pinson Mounds, especially of the Ozier Mounds and the Twin Mounds sites.
- **TOMMY VEAL**, June 2007 for his dedication to the Commission and the preservation of the rights of American Indians in this state and specifically the Cookeville-Livingston area. (Veal had an aggressive and inoperable brain tumor, leading to his death the following month.)

## FISCAL YEAR 2006-2007 MEMBERSHIP & OFFICERS

- Doris Trevino, Chattanooga  
Term: 2005-09 Chair 2005-2006 resigned December 2006
- Evangeline 'Van' Lynch (Choctaw Nation of Oklahoma)\*, West TN  
Term: 2003-07 Vice Chair 2005-2006; Chair 2006-07
- Ruth Knight Allen (TN State-Recognized)\*, Memphis  
Term: 2005-09 Secretary 2005-07
- Kippy Vaughn, East TN  
Term: 2003-07 Vice-Chair 2006-07
- Jimmy Reedy (Muscogee/Creek Nation)\*, Middle TN  
Term: 2003-07
- Niles Aseret (Navajo Nation)\*, Nashville  
Term: 2005-09, resigned June 2007
- Jeanie Walkingstick King (Eastern Band of Cherokee)\*, Knoxville  
Term: 2005-09

### *REPLACEMENT APPOINTMENTS*

- tom kunesh (Standing Rock Lakota descendant)\*, Chattanooga  
Term: 2006-09 (replaced Doris Trevino), Secretary 2007-current
- David Teat (Cherokee Tribe of Northeast Alabama)\*, Nashville  
Term: 2006-09 (replaced Niles Aseret)

\* *indicates Indian Preference*

## **FISCAL YEAR 2006-2007 TREASURER'S REPORT**

Balance Forward			\$ 332.95
		Debit	Credit
11 Oct 2005	Stationary	216.65	
15 Dec 2005	Donation		50.00
28 Dec 2005	Donation		50.00
31 Jan 2006	Business Cards	40.50	
10 Jun 2006	Benefit Lunch		217.00
Total		257.15	649.95
Ending Balance			\$ 369.05

### **SUPPORT STAFF**

Fiscal agent: Tom Eck, TDEC Division of Fiscal Services

TDEC-appointed General Counsel: Ed Harris

Commission's website: [www.state.tn.us/environment/tcia/](http://www.state.tn.us/environment/tcia/)

Website manager: Debbie Ownby McManus, TDEC Assistant Webmaster

## A RESOLUTION FOR THE RECOGNITION OF THE HISTORIC NATIVE AMERICAN INDIAN TRIBES OF TENNESSEE

*passed by the Tennessee Commission of Indian Affairs on 4 march 2006, Nashville*

1. WHEREAS, the area that now encompasses the Great State of Tennessee was once the homeland and tribal hunting grounds of a number of First Nations People who had great attachment to the land and who did staunchly defend their right to live, hunt, and draw nourishment from that land; and
2. WHEREAS, those same people were decimated by imported diseases, warfare, and continual encroachment upon their land, their livelihood, and their way of life; and
3. WHEREAS, as their numbers dwindled, their rights were usurped at the whim of foreign governments; and whether by choice, by force, or by treaty, these First Nations were made to give up their Natural Birthright and remove to other lands; and
4. WHEREAS, although the tribes themselves were removed, many individuals managed to remain behind in the lands of their nativity; or, after removal, to return to the lands of their ancestry; and
5. WHEREAS, the Eastern Ridge and Valley Region of the Tennessee River and its tributaries was known to be the home of the **Yuchi** Tribe, the **Koasati** Tribe, and the **Tuskegee** Tribe in times of earliest contact with the white man; and the evidence of early **Muscogee** (Creek) occupation in the same region is exhibited by the names of historic Indian towns such as Tallassee and Etowah; and
6. WHEREAS, the tribes in this region were later supplanted by the **Cherokee** Tribe, who, in many cases, kept the same town names established by the earlier tribes; and went on to establish numerous new towns such as Tellico, Echota, and Settico; and claimed all of Middle Tennessee as their territorial hunting ground; and who, after 1729, allowed a band of the Natchez Tribe to establish a town in what is now known as Monroe County, in an area that is still known as Notchy Creek; and
7. WHEREAS, about the time of the American Revolution, a war chief known as Dragging Canoe, and his followers, did separate from the Cherokee Nation and form a new tribe known as the **Chickamaugas**; and they established new towns in the lower Tennessee and Sequatchie River valleys, both within Tennessee and the neighboring states of Georgia and Alabama; and
8. WHEREAS, the **Chickasaw** Tribe once occupied the area that was known as the Chickasaw Bluffs, and is now within the City of Memphis; and the Chickasaws claimed all of Middle Tennessee and West Tennessee as their territorial hunting grounds; and
9. WHEREAS, portions of the **Shawnee** Tribe once lived in the Cumberland Basin of Tennessee before twice being expelled by an alliance of the Cherokees and Chickasaws; and after the formation of the Chickamauga Confederacy, the Shawnees were allowed to establish towns among their newfound allies, and left a memento of their name in the modern town of Sewanee; and
10. WHEREAS, beginning in 1952, several members of the **Choctaw** Tribe began to move into Lauderdale and Shelby Counties in West Tennessee in search of employment, and established communities there; where, in 1992 the Federal Government purchased 172 acres near Henning to establish housing for them; and they still retain their language and practice many of their customs; and
11. WHEREAS, there are many pre-historic Indian sites in Tennessee, such as Pinson Mounds, Old Stone Fort, and many lesser-known archaeological sites whose precise links to modern or historical tribes has yet to be definitively established;

BE IT HEREBY RESOLVED, that the above mentioned First Nations Peoples known as the **Yuchi, Koasati, Tuskegee, Muscogee (Creek), Cherokee, Natchez, Chickamauga, Shawnee, and Choctaw, be recognized as the Historical Tribes of Tennessee;** and

BE IT FURTHER RESOLVED, that any other tribe(s) that archaeological or historical research can link to Tennessee, will likewise be given recognition as an Historical Tribe of Tennessee when sufficient evidence is presented.

## **A RESOLUTION COMMENDING THE TENNESSEE ANCIENT SITES CONSERVANCY**

*Unanimously approved by the Tennessee Commission of Indian Affairs 5 August 2006*

1. WHEREAS: The Tennessee Commission of Indian Affairs unanimously approved “A Resolution to Protect the Integrity of Pinson Mounds” on 3 December 2005 in Memphis; and
2. WHEREAS: The resolution requested “the Division of Forestry vacate the Pinson Mounds State Archaeological Area/National Historic Site as soon as possible;” and
3. WHEREAS: Members of the board of Tennessee Ancient Sites Conservancy, based in Nashville, dedicated much time and effort this past spring to advocate for the preservation and protection of Pinson Mounds from continued damage by state forestry operations on site, and specifically for the legislative action requested by the Commission; and
4. WHEREAS: On 18 May 2006 Tennessee Department of Environment and Conservation (TDEC) Commissioner Fyke and Tennessee Department of Agriculture Commissioner Givens signed a memorandum of agreement that “will immediately transfer approximately 177 acres of the Pinson Mounds property that is archeologically significant and sensitive”, including specifically the Ozier Mounds site and the Twin Mounds site, back to the Pinson Mounds Archaeological Area, with the jurisdiction of the remaining 133 acres to be transferred to TDEC and the Archaeological Area in the year 2035; and
5. WHEREAS: Through the efforts of the Tennessee Ancient Sites Conservancy, the goals and objectives of the Tennessee Commission of Indian Affairs were achieved;

THEREFORE BE IT RESOLVED THAT The Commission of Indian Affairs thanks the Tennessee Ancient Sites Conservancy for its significant contributions to the protection and preservation of Pinson Mounds, especially of the Ozier Mounds and the Twin Mounds sites; and

The Commission of Indian Affairs commends the Tennessee Ancient Sites Conservancy, especially its board members Mark M. Tolley, president, State Naturalist and former State Archaeologist Mack Prichard, and William Anderson IV, for their dedicated efforts in protecting and preserving Pinson Mounds; and

BE IT FURTHER RESOLVED THAT The Tennessee Commission of Indian Affairs supports the Tennessee Ancient Sites Conservancy in its efforts to nominate Pinson Mounds State Archaeological Area as a United Nations Educational, Scientific and Cultural Organization (UNESCO) World Heritage Site as part of its Convention concerning the Protection of the World Cultural and Natural Heritage.

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